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February 25, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Washington Crane & Hoist, LLC v. Era Services Holdco, Inc. et al.,
Case No. 22-cv-01424 (JMF)

Dear Judge Furman:

This firm represents Plaintiff Washington Crane & Hoist, LLC (“Plaintiff”) in the above-referenced action, together with the firm of Benesch, Friedlander, Coplan & Aronoff LLP.

We respectfully submit this letter pursuant to Rule 1(A) of Your Honor’s Individual Practices in Civil Cases to advise the Court that Plaintiff has reached a settlement in principle with three of four Defendants in this case: Era Services Holdco, Inc. (“Era”), CraneTech, Inc. (“CraneTech”) and Ted Schmidt, Jr. (collectively the “Era Defendants”). The Era Defendants are represented in this matter by the firm Clark Hill, PLC, which has appeared by its attorney Boris Brownstein (ECF No. 26). Plaintiff is advised that the Defendant Jason Gammon is separately represented by attorney Richard Rosberger of the firm Rottenberg Lipman Rich, P.C., who has not yet appeared in this matter.

Plaintiff respectfully requests that the Court vacate or stay all future appearances and deadlines in this case, including those set forth in the Court’s order of February 22, 2022 (ECF No. 20)¹ pending the preparation and execution of a formal settlement agreement among Plaintiff and the Era Defendants. Plaintiff has consulted with counsel for the Era Defendants and with Mr. Rosberger, who have confirmed that all Defendants join in Plaintiff’s request.

¹ Specifically, Plaintiff requests that the Court stay or vacate: the February 25, 2022 deadline for Defendants to file a response, if any, to Plaintiff’s motions for preliminary relief and expedited discovery; the February 28, 2022 deadline for Plaintiff to file a reply, if any, to Defendants’ response; the March 2, 2022 deadline for Plaintiff’s posting of security for the Court’s injunction; and the March 2, 2022 hearing on plaintiff’s motions for preliminary injunction and expedited discovery.

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The settlement, if consummated, would result in Plaintiff's voluntary dismissal with prejudice of all claims in this action against the Era Defendants. If the settlement is effectuated, Plaintiff also intends to voluntarily dismiss its claims against Mr. Gammon without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and 41(a)(1)(B). Because a successful settlement would leave no claims pending before this Court, a stay or vacatur of the Court's deadlines would promote both settlement and judicial economy.

Plaintiff proposes to file either notices of voluntary dismissal, or a status report regarding the state of the contemplated settlement, by March 2, 2022 at 5:00 p.m. EST. Plaintiff thanks the Court for its attention to this matter.

Respectfully submitted,

/s/ Malcolm Seymour
Malcolm Seymour

cc: All Counsel of Record (Via ECF)

Application GRANTED. All deadlines are hereby stayed pending execution of a formal settlement agreement. The conference currently scheduled for March 2, 2022, is hereby ADJOURNED *sine die*. No later than March 2, 2022, at 5:00 p.m. Plaintiff shall file a status report regarding settlement. The Clerk of Court is directed to terminate ECF No. 37.

SO ORDERED.



February 25, 2022